

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JUDITH A. SISTI,
Plaintiff,

v.

FEDERAL HOUSING FINANCE
AGENCY, FEDERAL HOME LOAN
MORTGAGE CORPORATION, and
NATIONSTAR MORTGAGE, LLC,
Defendants.

C.A. No. 17-005-JJM-LDA

CYNTHIA BOSS,
Plaintiff,

v.

FEDERAL HOUSING FINANCE
AGENCY and FEDERAL NATIONAL
MORTGAGE ASSOCIATION,
Defendants.

C.A. No. 17-042-JJM-LDA

ORDER

The Defendants have asked this Court to amend its Order dated August 2, 2018 (ECF No. 39), to include the certification necessary to allow them to petition the First Circuit for interlocutory review under 28 U.S.C. § 1292(b). ECF No. 41. The Plaintiffs have opposed the motion. ECF No. 44.

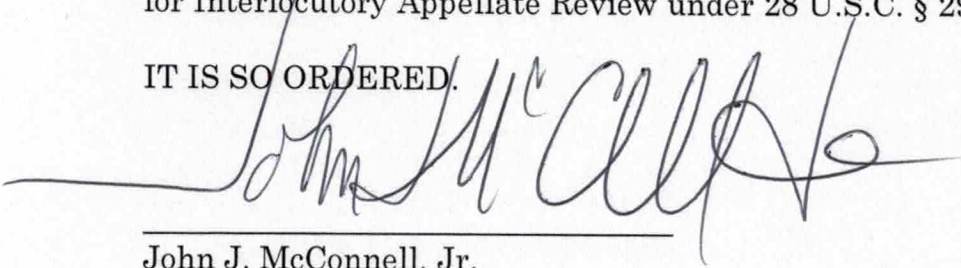
The court should grant interlocutory appeals in only rare and exceptional circumstances and Defendants have failed to satisfy this Court that this case presents such a rare or exceptional situation. After considerable thought and reflection, the Court is not of "the opinion that such order involves a controlling question of law as

to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b). The Order is well founded and in line with established United State Supreme Court precedent. No court within the First Circuit has offered a different opinion and, as noted in the Order, the conflicting out-of-circuit cases almost all rely on a single district court opinion without making any independent analysis of the law or facts.

Moreover, these same Defendants have brought this issue before this Court in other cases on many previous occasions. Each time that the issue has arisen, the Defendants have resolved the matter with the plaintiffs without believing it necessary to resolve the legal issue it now seeks to immediately appeal. For the Defendants to claim now that they need expeditious and extraordinary relief appears to be disingenuous.

The Court DENIES Defendants’ Motion to Certify the August 2, 2018 Order for Interlocutory Appellate Review under 28 U.S.C. § 2992(b). ECF No. 41.

IT IS SO ORDERED.



John J. McConnell, Jr.
United States District Judge

October 15, 2018